

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04 CV 10746 JLT

IVAN SANTIAGO,  
Plaintiff

v.

WILLIAM J. FEENEY, MARCUS  
EDDINGS, and the CITY OF BOSTON,  
Defendants

**DEFENDANT MARCUS EDDINGS'**  
**ANSWER TO PLAINTIFF'S COMPLAINT**

Now comes the Defendant Marcus Eddings and answers the Plaintiff's Complaint as follows:

**COMPLAINT**

1. The Defendant Marcus Eddings considers paragraph one of the Complaint as introductory only and not requiring a response. To the extent that paragraph one alleges facts, the Defendant denies such allegations.

**JURISDICTION**

2. The Defendant Marcus Eddings considers paragraph two as a pure conclusion of law for which no response is required. To the extent there are factual allegations deemed inherent in the jurisdictional statement, the same are denied.

**PARTIES**

3. The Defendant Marcus Eddings alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph three of the Complaint.
4. The Defendant Marcus Eddings admits the allegations contained in paragraph four of the Complaint.
5. The Defendant Marcus Eddings admits the allegations contained in paragraph five of the Complaint.
6. The Defendant Marcus Eddings admits the allegations contained in paragraph six of the Complaint.

**FACTS**

7. The Defendant Marcus Eddings alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph seven of the Complaint.
8. The Defendant Marcus Eddings admits the allegations contained in paragraph eight of the Complaint.
9. The Defendant Marcus Eddings admits the allegations contained in paragraph nine of the Complaint.
10. The Defendant Marcus Eddings alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph ten of the Complaint.
11. The Defendant Marcus Eddings admits the allegations contained in paragraph eleven of the Complaint.
12. The Defendant Marcus Eddings admits that he searched the Plaintiff Santiago, but alleges that he is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph twelve of the Complaint.
13. The Defendant Marcus Eddings admits that he took the Plaintiff into the bathroom and uncuffed him but denies that he shut the door.
14. The Defendant Marcus Eddings admits the allegations contained in paragraph fourteen of the Complaint.
15. The Defendant Marcus Eddings admits the allegations contained in paragraph fifteen of the Complaint.
16. The Defendant Marcus Eddings denies the allegations contained in paragraph sixteen of the Complaint.
17. The Defendant Marcus Eddings admits the allegations contained in paragraph seventeen of the Complaint.
18. The Defendant Marcus Eddings alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph eighteen of the Complaint.
19. The Defendant Marcus Eddings denies that a pair of gloves were left in the bathroom and alleges that he is without knowledge or information sufficient to

form a belief as to the truth of the allegations contained in paragraph nineteen of the Complaint.

20. The Defendant Marcus Eddings denies the allegations contained in paragraph twenty of the Complaint.
21. The Defendant Marcus Eddings denies the allegations contained in paragraph twenty-one of the Complaint.
22. The Defendant Marcus Eddings denies the allegations contained in paragraph twenty-two of the Complaint.
23. The Defendant Marcus Eddings alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph twenty-three of the Complaint.
24. The Defendant Marcus Eddings denies the allegations contained in paragraph twenty-four of the Complaint.
25. The Defendant Marcus Eddings alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph twenty-five of the Complaint.

**COUNT I**

**VIOLATION OF 42 U.S.C. §1983 BY DEFENDANT POLICE OFFICERS**

26. The Defendant Marcus Eddings repeats and incorporates his answers to paragraphs one through twenty-five.
27. The Defendant Marcus Eddings denies the allegations contained in paragraph twenty-seven of the Complaint.

**COUNT II**

**VIOLATION OF MASSACHUSETTS CIVIL RIGHTS ACT: M.G.L. C.12, §11I  
BY DEFENDANT POLICE OFFICERS**

28. The Defendant Marcus Eddings repeats and incorporates his answers to paragraphs one through twenty-seven.
29. The Defendant Marcus Eddings denies the allegations contained in paragraph twenty-nine of the Complaint.

**COUNT III**

**VIOLATION OF 42 U.S.C. §1983 BY DEFENDANT CITY OF BOSTON**

Paragraphs thirty through thirty-three contain allegations against a Defendant other than Marcus Eddings, and therefore no response from Marcus Eddings is required. To the extent paragraphs thirty through thirty-three are construed to allege facts, Defendant Marcus Eddings denies the same.

### **AFFIRMATIVE DEFENSES**

#### **First Defense**

Defendant Marcus Eddings states that he was justified in his acts or conduct and that therefore the Plaintiffs cannot recover.

#### **Second Defense**

By way of affirmative defense, the Defendant states that no act or omission by him was a proximate cause of damages allegedly sustained by the Plaintiff.

#### **Third Defense**

Defendant Marcus Eddings states that his acts and conduct were performed according to, and protected by, law and/or legal process, and that therefore the Plaintiffs cannot recover.

#### **Fourth Defense**

Defendant Marcus Eddings states that at all times pertinent to this action, he acted in good faith and belief that all actions were in accordance with the laws of the Commonwealth of Massachusetts and United States of America.

#### **Fifth Defense**

Defendant Marcus Eddings states that the Plaintiff has failed to state a claim upon which relief can be granted.

#### **Sixth Defense**

Defendant Marcus Eddings states that any injury or damage suffered by the Plaintiff was caused by others for whose conduct the Defendant is not responsible.

#### **Seventh Defense**

The actions of the Defendant Marcus Eddings are entitled to protection by a grant of qualified immunity.

#### **Eighth Defense**

Defendant Marcus Eddings states that he is immune from suit while engaging in discretionary functions.

Ninth Defense

Defendant Marcus Eddings states that at all times relevant to this Complaint he acted upon probable cause based upon reasonable grounds and that the circumstances justified his conduct.

**JURY CLAIM**

The Defendant Marcus Eddings hereby demands a trial by jury on all counts and causes of action.

Respectfully submitted,

DEFENDANT, MARCUS EDDINGS  
Merita A. Hopkins  
Corporation Counsel  
By its attorney,

S/Stephen G. Cox

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